

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

GIBSON GUITAR CORP.,)
v.)
PLAINTIFF,)
WAL-MART STORES INC., TARGET)
CORPORATION, KMAR CORPORATION,)
SEARS, ROEBUCK & CO., AMAZON.COM, INC.,)
GAMESTOP CORP., TOYS-R-US, INC., HARMONIX)
MUSIC SYSTEMS, INC., MTV (A DIVISION OF)
VIACOM INTERNATIONAL, INC.), AND)
ELECTRONIC ARTS, INC.,)
DEFENDANTS.)

**MOTION OF GIBSON GUITAR CORP. TO SUBMIT SUR-REPLY TO DEFENDANTS'
MOTION TO DISMISS OR IN THE ALTERNATIVE TO STAY THIS ACTION IN
FAVOR OF THE FIRST FILED ACTION IN THE CENTRAL DISTRICT OF
CALIFORNIA**

Gibson Guitar Corp. (“Gibson”) respectfully moves that it be permitted to file a short Sur-Reply to the Reply filed by Defendants concerning their Motion to Dismiss or in the Alternative to Stay this Action in Favor of the First Filed Action in the Central District of California. (Defendants’ Reply has been filed as Docket No. 80). The proposed Sur-Reply is attached hereto as Exhibit A. In support of this motion, Gibson states that its proposed Sur-Reply briefly addresses only two points, both of which were raised for the first time in Defendants’ reply and discussed in a misleading manner. Gibson believes the proposed Sur-Reply would assist the Court in understanding the issues in this case. Therefore, Gibson respectfully requests leave of court to file the proposed Sur-Reply.

Dated: Nashville, Tennessee
June 9, 2008

Respectfully submitted,

/s/ Douglas R. Pierce

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing is being filed electronically.

Notice of this filing will be sent by operation of the Court's electronic filing system to:

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on this the 9th day of June, 2008.

/s/ Douglas R. Pierce